

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 12/21/2020 8:55:52 PM
To: Jenkins, Brandi [Jenkins.Brandi@epa.gov]; Kajumba, Ntale [Kajumba.Ntale@epa.gov]
CC: Ghosh, Mita [Ghosh.Mita@epa.gov]; Fite, Mark [Fite.Mark@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]; Marraccini, Davina [Marraccini.Davina@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]
Subject: RE: CWA Section 404 Assumption Query by Brandi
Attachments: ResponsivenessSummary.pdf

Ntale is correct. Once FL assumes jurisdiction (which could happen as early as tomorrow) there is no federal action triggering NEPA for the issuance of 404 permits in assumed waters. I'm attaching our responsiveness summary where we address this issue on pages 8, 54, and 80-83.

From: Jenkins, Brandi <Jenkins.Brandi@epa.gov>
Sent: Monday, December 21, 2020 2:40 PM
To: Kajumba, Ntale <Kajumba.Ntale@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Fite, Mark <Fite.Mark@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>
Subject: Re: CWA Section 404 Assumption Query by Brandi

+ Davina

Sent from my iPhone

On Dec 21, 2020, at 2:32 PM, Kajumba, Ntale <Kajumba.Ntale@epa.gov> wrote:

Hi Matt/Mita,

This is in response to Brandi's query that I shared with Matt earlier. I assume that since the issuance of a state 404 permit is not a federal action, FDEP will not be subject to NEPA requirements for the assumed waters that are part of the 404 assumption process. Just wanted to ascertain your legal perspective.

Ntale

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